

AMENDED IN ASSEMBLY APRIL 25, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1179

Introduced by Assembly Member ~~Assembly Members Mansoor and Jones~~

February 18, 2011

An act to ~~amend Section 224~~ *add Chapter 11 (commencing with Section 1139) to Part 3 of Division 2 of the Labor Code, relating to employment.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1179, as amended, Mansoor. ~~Employee wages: deductions: union dues and assessments. Labor organizations: union dues: political activities.~~

Existing law provides that any collective bargaining agreement between an employer and a labor organization is enforceable at law or in equity, and a breach of the collective bargaining agreement by any party thereto is subject to the same remedies, including injunctive relief, as are available on other contracts in the courts of the state.

This bill would enact the California Voluntary Contributions Act and allow a labor organization to make expenditures for political activities only if the labor organization establishes a separate fund from which to make those expenditures and complies with specified provisions, including, among others, a prohibition on using union dues for political activities, transferring union dues to the fund, or intermingling union dues in any way with moneys in the fund. Notwithstanding those limitations, the bill would allow a labor organization to use union dues to lobby or communicate directly with its own members regarding political candidates, ballot measures, and other political issues.

~~Under existing law it is unlawful for an employer to withhold or deduct any amount from an employee's wages except when authorized to do so by federal or state law or when expressly authorized by the employee, or a collective bargaining or wage agreement.~~

~~This bill would provide that nothing in these provisions or other law authorizes an employer to deduct from the wages, earnings, or compensation of an employee any union dues, fees, assessments, or other charges to be used by an organization for political activities, as defined.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Chapter 11 (commencing with Section 1139) is*
2 *added to Part 3 of Division 2 of the Labor Code, to read:*

3
4 *CHAPTER 11. CALIFORNIA VOLUNTARY CONTRIBUTIONS ACT*

5
6 *1139. This chapter shall be known and may be cited as the*
7 *California Voluntary Contributions Act.*

8 *1139.5. (a) A labor organization may make expenditures for*
9 *political activities only if the labor organization establishes a*
10 *separate fund from which to make those expenditures and complies*
11 *with all of the following:*

12 *(1) In soliciting contributions to the fund from a member, the*
13 *labor organization shall inform the member, orally or in writing,*
14 *that expenditures from the fund will be for political activities, that*
15 *contributions to the fund are voluntary, and that the member has*
16 *a right to refuse to contribute without fear of reprisal or loss of*
17 *membership in the organization.*

18 *(2) The labor organization does not use union dues for political*
19 *activities, transfer union dues to the fund, or intermingle union*
20 *dues in any way with moneys in the fund.*

21 *(3) The labor organization pays the costs of administering the*
22 *fund using fund contributions and not union dues.*

23 *(4) The labor organization ensures that each contribution to*
24 *the fund is voluntary and is made by the member and not made by*
25 *the employer of the member.*

1 (b) A labor organization has the burden to show that it has
2 complied with subdivision (a).

3 (c) Notwithstanding subdivision (a), a labor organization may
4 use union dues to lobby or communicate directly with its own
5 members regarding political candidates, ballot measures, and
6 other political issues.

7 SECTION 1. ~~Section 224 of the Labor Code is amended to~~
8 read:

9 224. (a) ~~The provisions of Sections 221, 222, and 223 shall in~~
10 ~~no way make it unlawful for an employer to withhold or divert~~
11 ~~any portion of an employee's wages when the employer is required~~
12 ~~or empowered so to do by state or federal law or when a deduction~~
13 ~~is expressly authorized in writing by the employee to cover~~
14 ~~insurance premiums, hospital or medical dues, or other deductions~~
15 ~~not amounting to a rebate or deduction from the standard wage~~
16 ~~arrived at by collective bargaining or pursuant to wage agreement~~
17 ~~or statute, or when a deduction to cover health and welfare or~~
18 ~~pension plan contributions is expressly authorized by a collective~~
19 ~~bargaining or wage agreement.~~

20 (b) ~~Nothing in this section or any other provision of law shall~~
21 ~~be construed as authorizing an employer to withhold or divert any~~
22 ~~portion of an employee's wages to pay any tax, fee, or charge~~
23 ~~prohibited by Section 50026 of the Government Code, whether or~~
24 ~~not the employee authorizes such withholding or diversion.~~

25 (c) (1) ~~Nothing in this section or any other provision of law~~
26 ~~shall be construed as authorizing an employer to deduct from the~~
27 ~~wages, earnings, or compensation of an employee any union dues,~~
28 ~~fees, assessments, or other charges to be used by any organization~~
29 ~~for political activities.~~

30 (2) ~~For purposes of this subdivision, "political activities" means~~
31 ~~making contributions to, or independent expenditures in support~~
32 ~~or opposition to, any candidate, political party, or political~~
33 ~~committee, including contributions or expenditures in support or~~
34 ~~opposition to the qualification or passage of any ballot measure.~~